

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OUSMANE BAH,

19 Civ. 3539 (PKC)

Plaintiff,

-against-

APPLE INC. and SECURITY INDUSTRY
SPECIALISTS, INC.

DECLARATION OF DAVID
L. METZGER IN SUPPORT OF
MOTION TO DISMISS PURSUANT
TO RULE 12(b)(2),(3) and (6)

Defendant.

=====X

DECLARATION OF DAVID L. METZGER IN SUPPORT OF MOTION TO DISMISS
PURSUANT TO RULE 12(b)(2), (3) and (6)

I, David L. Metzger, pursuant to 28 U.S.C. Sec.1746, under the penalties of perjury,
declare that the following is true and correct.

1. I am an attorney duly admitted to practice before the United States District Court
for the Southern District of New York. I am a Member of the firm of Lewis Johs Avallone
Aviles, LLP, attorneys for the defendant SECURITY INDUSTRY SPECIALIST, INC.
(hereinafter “SIS”) and I make this Declaration in support of the defendant, SIS’s, motion for
judgment dismissing the First Amended Complaint pursuant to Federal Rule of Civil Procedure
12(b)(2)(6).

2. Attached as Exhibit “A” is a true and accurate copy of the Plaintiff’s June
10, 2019 First Amended Complaint.

3. Attached as Exhibit “B” is a true and accurate copy of the defendant, SIS, June
14, 2019 pre-motion letter on behalf of SIS delineating the grounds for an intended motion to
dismiss.

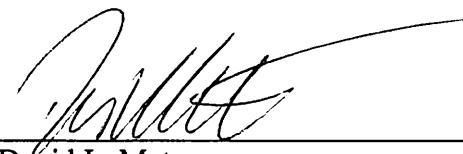
4. Attached as Exhibit “C” is a true and accurate copy of the June 18, 2019
Scheduling Order for the instant motion.

5. Attached as Exhibit "D" is a true and accurate copy of this office's June 26, 2019 letter to plaintiff's attorney identifying Apple store locations for which SIS is aware of a report to law enforcement for an individual previously identified as Ousmane Bah.

6. Attached as Exhibit "E" is a true and accurate copy of the July 30, 2019 Declaration of Tom Stevens, Vice President of Retail Operations for SIS.

Dated and Executed:

New York, New York
July 31, 2019



David L. Metzger
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